UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

**REGION 11** 

ALTON H. PIESTER, LLC

and

Case no. 11-CA-21531

DARRELL CHAPMAN

## EMPLOYER'S EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE'S DECISION

In the compliance phase of this matter, Judge Mary Cracraft (ALJ) ruled on December 30, 2010 that the employer was required to pay the full backpay award calculated by the General Counsel. The employer Alton Piester LLC (APL) had argued that the General Counsel's calculation method was incorrect and that Mr. Chapman's backpay should be terminated as of June 2007 when APL learned that its insurance carrier would not cover Mr. Chapman if he were returned to work.

APL excepts to the ALJ's findings that:

- 1) Chapman's backpay was not terminated in June 2007.
- 2) Even if Chapman's backpay should be terminated in June 2007, he was eligible for reinstatement in November 2007.

APL no longer contests the method of calculating the backpay, i.e., the use of only certain drivers to compute average pay.

Respectfully submitted,

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Dated this 13th day of January 2011